

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
(Sherman Division)

Vicki Baker,

*Plaintiff,*

*v.*

City of McKinney, Texas,

*Defendant.*

Case No.: 4:21-CV-0176-ALM

---

**PLAINTIFF VICKI BAKER'S MOTION TO COMPEL DISCLOSURES**

---

**INSTITUTE FOR JUSTICE**

Jeffrey Redfern (D.C. Bar No. 1018046)

*Lead Attorney*

Suranjan Sen (Tenn. Bar No. 038830)

901 N. Glebe Road, Suite 900

Arlington, VA 22203

Phone: (703) 682-9320

Fax: (703) 682-9321

Email: jredfern@ij.org; ssen@ij.org

*Attorneys for Plaintiff*

Plaintiff Vicki Baker moves for an order compelling Defendant City of McKinney to supplement its Rule 26(a) disclosures to identify any individuals likely to have discoverable information regarding the City of McKinney's policies and practices about compensating individuals whose property is damaged by the police. The City has made *Monell v. Department of Social Services*, 436 U.S. 658 (1978), central to its defense in this case. (ECF 31, at 3.) Yet the City has not disclosed any individuals likely to have information regarding the City's policies, which it was clearly required to do under Local Rule CV-26(d). The City has refused to supplement its disclosures when asked directly for such information, notwithstanding the City's ongoing obligation to supplement its disclosures under Rule 26(e), even beyond the formal close of discovery. Remarkably, the City now faults Ms. Baker for not designating the Mayor in *her* 26(a) disclosures. (ECF 38, at 1); *see Phoenix Herpetological Soc'y, Inc. v. United States Fish & Wildlife Serv.*, 998 F.3d 999, 1005 n. 13 (D.C. Cir. 2021) ("This argument violates our chutzpah doctrine."). The City's strategy is apparent: It has never *denied* that the decision not to compensate Ms. Baker was a decision by a City policymaker (nor can it). Rather, the City hopes that by refusing to identify any policymaker, and by preventing Ms. Baker from questioning any policymaker, it can prevent her from proving it.

DATED: March 23, 2022

Respectfully Submitted:

/s/ Jeffrey Redfern  
Jeffrey Redfern (D.C. Bar No. 1018046)  
*Lead Attorney*

Suranjan Sen (Tenn. Bar No. 038830)  
Institute for Justice  
901 N. Glebe Road, Suite 900  
Arlington, VA 22203  
Phone: (703) 682-9320  
Fax: (703) 682-9321  
Email: jredfern@ij.org; ssen@ij.org

*Attorneys for Plaintiff*

### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that he has complied with the meet-and-confer requirement of Local Rule CV-7(h). Counsel for Plaintiff, Jeffrey Redfern and Suranjan Sen, met telephonically with Counsel for Defendant, Edwin Voss, on March 22, 2022. Counsel for Defendants oppose this motion, and the parties are at an impasse.

DATED: March 23, 2022

Respectfully Submitted:

/s/ Jeffrey Redfern  
Jeffrey Redfern (D.C. Bar No. 1018046)  
*Lead Attorney*  
Suranjan Sen (Tenn. Bar No. 038830)  
Institute for Justice  
901 N. Glebe Road, Suite 900  
Arlington, VA 22203  
Phone: (703) 682-9320  
Fax: (703) 682-9321  
Email: jredfern@ij.org; ssen@ij.org

*Attorneys for Plaintiff*